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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/654,487
Filing Date: September 04, 2003
Appellant(s): THIJSEN ET AL.

Paul C. Lewis
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 10/28/2010 appealing from the Office action mailed out on 04/28/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-21 are rejected and pending in the application.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being

maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6651120	CHIBA	11-2003
JP11219423A	TAKASHI	08-1999
20020161659	VEILLEUX	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiba (US Patent 6,651,120) in view of Takashi (Japanese Patent application 10-021796, applicant admitted prior art) and in further view of Veilleux (US Publication 2002/0161659).

With respect to claim 1, Chiba discloses a managing method for physically managing data that represents a document for eventual presentation to a user, based on said data, which comprises the steps of:

acquiring the data from an appropriate document source in a source representation (Chiba: Column 1, lines 17-26; Column 2, lines 35-39; Figure 10), selectively converting the data in source representation to data in destination representation, while selectively storing in a database managed data in an intermediate representation (Chiba: Column 1, lines 17-33; Column 2, lines 35-54; Item 18 in Fig 10),

Chiba discloses converting data into different format and into a different resolution (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Claims 3-4; Figure 10).

However, Chiba does not explicitly disclose:

first, assessing quantitative physical storage constraints associated with storing the managed data;

second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation;

The Takashi reference discloses determining storage constraints and conversion constraints associated with a data and converting the data based on the determination (Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Takashi to assess quantitative physical storage constraints associated with storing the

managed data and assess quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation for automatically converting image data to be transferred into an optimum file format (Takashi: Abstract, lines 1-3).

Chiba in view of Takashi discloses:

executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment, while further considering one or more applicable source profiles and one or more applicable destination profiles (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Claims 3-4; Figure 10; Takashi: Paragraph 6, lines 1-9; ; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

However, Chiba and Takashi do not explicitly disclose:

wherein the selectively converting step selectively converts the data in the source representation to the data in the destination representation based on an Idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user.

The Veilleux reference, however, discloses converting data in the source representation to the data in the destination representation based on a destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in

the destination representation from a user (Veilleux: Paragraph 51, lines 1-19; Paragraph 63, lines 1-10; Paragraph 64, lines 1-11).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba and Takashi with the teachings of Veilleux to convert data in source representation to destination representation based on a destination profile automatically for color image display accuracy in a network having multiple clients that submit images and multiple clients that receive images (Veilleux: Paragraph 7, lines 4-6).

With respect to claim 2, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, further comprising the steps of:

third, assessing the quantitative physical transfer constraints associated with transferring the managed data over a transfer facility of an applicable distributed system, and in said execution providing a further dynamic trade-off basis through the application of the third assessment (Chiba: Column 2, lines 50-53; Item 14 in Figure 10; Takashi: Paragraph 21, lines 1-8).

With respect to claim 3, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein the document essentially relates to an image (Chiba: Column 1, lines 17-21; Figures 6-9).

With respect to claim 4, Chiba in view of Takashi and in further view of Veilleux discloses the method as claimed in claim 1, wherein the quantitative physical storage constraints are based on storage space availability, the quantitative physical converting constraints are based on destination delay allowability, and the quantitative physical transfer constraints are based on transfer facility availability and/or transfer duration (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Fig 10).

With respect to claim 5, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 4, wherein the quantitative physical converting constraints and/or the quantitative physical transfer constraints are based on a quality-of-service metric (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Figure 10; Takashi: Paragraph 20, lines 1-6).

With respect to claim 6, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 2, wherein the quantitative physical storage constraints, the quantitative physical converting constraints, and the quantitative physical transfer constraints are made comparable through assigning to the respective constraints appropriate absolute values of a cost metric (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Figure 10; Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

With respect to claim 7, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, executed by consulting a rule base (Chiba: Figure 10; Takashi: Paragraph 20, lines 1-6).

With respect to claim 8, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein the converting is effected through a sequence of sub-conversions to produce one or more intermediate representations which are stored in lieu of storing an eventual destination representation (Chiba: Col 4, L 39-45).

With respect to claim 9, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein available storage space is optimally assigned to the storing of various documents in various representations for future user requests for image presentations (Chiba: Column 4, lines 39-45; Column 5, lines 43-48).

With respect to claim 10, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 9, wherein coexistent storage of a particular document in a plurality of different representations is provided (Takashi: Paragraph 20, lines 1-6; Chiba: Figure 10; Figure 15; Here it is disclosed that data can be converted to multiple formats and stored).

With respect to claim 11, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein document data is maintained in the database,

governed by one or more persistency rules (Chiba: Column 11, line 18; Figure 10; Figure 15; Takashi: Paragraph 20, lines 1-6).

With respect to claim 12, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein document data in the database is governed by one or more garbage collection rules (Chiba: Column 6, lines 15-33; Column 11, line 18; Figure 10; Here data is stored for use in a storage with limited capacity, once the use for the data ends, it can inherently be removed to make room for new data. This removal can be governed by one or more garbage collection rules).

With respect to claim 13, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein further image presentation is allowed in a thumbnail version (Chiba: Column 6, lines 29-33; Item 20 in Figure 10 discloses a display unit for image data in various formats; Veilleux: Paragraph 3, lines 1-9).

With respect to claim 14, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein a source device is substantially uniformly operated at its highest possible image presenting quality level (Chiba: Item 31 in Figure 8 is a resolution converting unit which can present the image data in highest possible quality level).

With respect to claim 15, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein a source device is operated at an image processing level quality that is at least co-determined by the eventual requirements associated with an intended user device and/or application (Chiba: Col 8, lines 56-63).

With respect to claim 16, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein an application to invoke a remote server facility is provided through a remote interface (Chiba: Figure 10; Figure 15; Here data can be transferred to a remote storage through network interface).

With respect to claim 17, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, which comprises, providing for operation with multiple users, a data consistency maintained through an appropriate locking mechanism (If multiple users operate at the same time, inherently a locking mechanism can be implemented to maintain data conversion and transfer integrity).

With respect to claim 18, Chiba discloses a management system for physically managing information that represents a document for eventual presentation to a user, based on said data and provided by a destination profile, which comprises:

acquiring means for acquiring said information from an appropriate document source in a source representation (Chiba: Col 1, lines 17-26; Col 2, lines 35-39; Fig 10),
converting means for selectively converting without user involvement data in

source representation to data in destination representation (Chiba: Column 1, lines 17-33; Column 2, lines 35-54; Item 18 in Fig 10),

storing means for selectively storing, in a database, managed data as an intermediate item of said management system (Chiba: Column 1, lines 17-33; Column 2, lines 35-54; Column 6, lines 15-33; Column 11, line 18; Figure 1; Figure 10),

Chiba discloses converting data into different format and into a different resolution and transferring the data over a transfer facility based on a specification, wherein said conversion is done automatically (Chiba: Abstract, lines 1-10; Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Claims 3-4; Figure 10).

However, Chiba does not explicitly disclose:

assessing means for assessing first quantitative physical storage constraints associated with storing said managed information, second quantitative converting constraints associated with converting said stored data in source representation to said data in destination representation,

The Takashi reference discloses determining storage constraints and conversion constraints associated with a data and converting the data based on the determination and transferring the converted data (Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Takashi for assessing first quantitative physical storage constraints associated with storing said managed information, second quantitative converting constraints

associated with converting said stored data in source representation to said data in destination representation and third quantitative physical transferring constraints associated with transferring said managed data over a transfer facility for automatically converting image data to be transferred into an optimum file format (Takashi: Abstract, lines 1-3).

Chiba in view of Takashi discloses: execution means for executing said converting before said storing, and/or after said storing and/or after said transferring, on a dynamic trade-off basis, produced by said assessing means (Chiba: Column 2, lines 40-60; Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, L 1-8).

However, Chiba and Takashi do not explicitly disclose:

wherein the converting means selectively converts the data in the source representation to the data in the destination representation based on an idiosyncratic profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user.

The Veilleux reference, however, discloses converting data in the source representation to the data in the destination representation based on a destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user (Veilleux: Paragraph 51, lines 1-19; Paragraph 63, lines 1-10; Paragraph 64, lines 1-11).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Veilleux to convert data in source representation to destination representation based on a destination profile automatically for color image display accuracy in a network having multiple clients that submit images and multiple clients that receive images (Veilleux: Paragraph 7, lines 4-6).

With respect to claim 19, Chiba in view of Takashi and in further view of Veilleux discloses the system of claim 18 comprising one or more source facilities, and one or more destination facilities linked with each other through a transfer facility for the physical managing of information contained in a database facility and a server facility (Chiba: Column 11, lines 14-24; Figure 10; Figure 15; Figure 16).

With respect to claim 20, Chiba in view of Takashi and in further view of Veilleux discloses a computer program containing a set of instructions which, when used in a general-purpose computer, performs the managing method of claim 1 (Chiba: Column 11, lines 5-13; Figure 10; Figure 15; Figure 16).

With respect to claim 21, Chiba discloses a managing method for managing data that represents a document for eventual presentation to a user, based on said data, which comprises the steps of:

acquiring the data from an appropriate document source in a source representation (Chiba: Column 1, lines 17-26; Column 2, lines 35-39; Figure 10),

selectively converting the data in source representation to data in destination representation, while selectively storing in a database managed data in an intermediate representation (Chiba: Column 1, lines 17-33; Column 2, lines 35-54; Column 6, lines 15-33; Column 11, line 18; Figure 1; Figure 10),

Chiba discloses converting data into different format and into a different resolution and transferring the data over a transfer facility based on a specification, wherein said conversion is done automatically (Chiba: Abstract, lines 1-10; Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Claims 3-4; Figure 10).

However, Chiba does not explicitly disclose:

first, assessing quantitative storage constraints associated with storing the managed data,

second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation representation,

The Takashi reference discloses determining storage constraints and conversion constraints associated with a data and converting the data based on the determination (Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Takashi to assess quantitative physical storage constraints associated with storing the

managed data and assess quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation for automatically converting image data to be transferred into an optimum file format (Takashi: Abstract, lines 1-3).

Chiba in view of Takashi discloses:

executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment, while further considering one or more applicable source profiles and one or more applicable destination profiles, using an optimum procedure for outputting scanned images on a variety of output devices, and using a single button activation of a representation retrieved from the database (Chiba: Column 2, lines 40-53; Column 6, lines 15-33 and lines 47-54; Column 9, lines 28-34; Claims 3-4; Figure 10; Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8),

However, Chiba and Takashi do not explicitly disclose:

wherein the selectively converting step selectively converts the data in the source representation to the data in the destination representation based on an idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user and printing images.

The Veilleux reference, however, discloses converting data in the source representation to the data in the destination representation based on a destination profile of a destination apparatus represented by the destination representation

automatically and without receiving a specification of a conversion form of the data in the destination representation from a user and printing images (Veilleux: Paragraph 42, lines 1-11; Paragraph 51, lines 1-19; Paragraph 63, lines 1-10; Para 64, lines 1-11).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Veilleux to convert data in source representation to destination representation based on a destination profile automatically and printing scanned images for color image display accuracy in a network having multiple clients that submit images and multiple clients that receive images (Veilleux: Paragraph 7, lines 4-6).

(10) Response to Argument

Appellants respectfully submit that claim 21 does not stand or fail together with claims 1 and 18. Chiba, the primary reference, differs substantially from the claimed invention for a number of reasons.

In other words, Chiba's converting unit does not disclose the claimed features recited in independent claims 1, 18 and 21, and in the dependent claims, other than the data acquiring feature because, before it does any image data conversion, it has to be given instructions, selected by a user, which specify the type of image data to be converted and which specify the type of image data into which the image data is converted.

Contrary to what is asserted on page 6 of the final rejection, Chiba does not disclose selectively storing managed data information in a database in an

intermediate representation, as recited. To support its position, the Office Action first relies on a prior art device mentioned in Chiba, instead of on Chiba's disclosed system. In this regard, col. 1, lines 17-33 of Chiba (which refers to prior art) merely discloses that image data read by a reading unit is stored in an image data storing unit 103, transferred to a data transferring unit 107, and stored in an image data storing unit 106, and mentions nothing about storing managed data information in a database, let alone in an intermediate representation. The Office Action also relies on col. 2, lines 35-54. However, this disclosure of the invention merely mentions the type of image data conversion and completely fails to disclose anything about storing managed data information in a database, let alone in an intermediate representation. Lastly, the Office Action relies, in this regard, on item 18 in Fig. 10, which is a data converting unit that converts image data into mail data, which clearly contains no disclosure of storing managed data information in a database, let alone in an intermediate representation.

Thus, the positively recited feature, i.e., of selectively converting the data in source representation to data in destination representation, which selectively storing in a database managed data in an intermediate representation, is not disclosed by Chiba.

Applicant argues that Chiba, Takashi, and Veilleux do not teach or even suggest the features "assessing quantitative physical converting constraint associated with converting the stored managed data from the source representation to the presentation representation", "a dynamic trade-off basis between said first assessment and said

second assessment", "storing in a database managed data in an intermediate representation", "executing the converting before said storing, and/or after said storing", and "execute by consulting a rule base".

Examiner respectfully disagrees all of the allegations as argued. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Chiba teaches about converting an acquired data in a source representation by an image reading device (Chiba: Apart from the argued citation of Column 1, lines 17-33 Chiba also discloses in Column 9, lines 45-47 **"By way of example, even an image reading device which does not comprise a display unit and memory, such as an image scanner, can be used"**, Here source representation is interpreted as the state the data is in prior to being read by the image reading device, data prior to being

scanned) and storing the acquired data in an intermediate representation (Chiba: Column 6 lines 15-33.; Column 8, lines 1-12; Column 11, line 18; **"storage means (database, etc.)"**). Here intermediate representation is the state the data is in after being processed by the image reading device, data after being scanned, and **data can be stored in a database**) and converting the acquired data to a destination representation according to conversion specification specified by the user and by a data converting unit (Chiba: Column 2 lines 35-60, Column 5 lines 35-42, Column 9 lines 28-34, and Figure 10; Here destination representation is the state after the intermediate data was converted by the converting unit).

However, Chiba does not explicitly disclose assessing quantitative physical storage constraints associated with storing the managed data and assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation.

The Takashi reference discloses determining storage constraints and conversion constraints associated with a data and converting the data based on the determination (Takashi: Abstract, lines 1-3 "automatically converting image data to be transferred into an optimum format"; Paragraph 6, lines 1-9 "optimal file deciding part which calculates required capacity, and file transfer part which sends image data of optimal file format to memory storage"; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8; Here the determination is on a dynamic trade-off basis between the two constraints, and is based on a rule base such as the file attribute determination unit in Paragraph 20). Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the

invention was made, to modify the teachings of Chiba with the teachings of Takashi to assess quantitative physical storage constraints associated with storing the managed data and assess quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation for automatically converting image data to be transferred into an optimum file format (Takashi: Abstract, lines 1-3).

Chiba in view of Takashi discloses executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment of storage constraints and said second assessment of conversion constraints, while further considering one or more applicable source profiles and one or more applicable destination profiles (Chiba: Column 2, lines 40-53 "converting based on the conversion form received from the operation instruction unit"; Column 6, lines 15-33; Column 9, lines 28-64; Claims 3-4; Figure 10; Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

However, Chiba and Takashi do not explicitly disclose wherein the selectively converting step selectively converts the data in the source representation to the data in the destination representation based on an Idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user.

The Veilleux reference, however, discloses converting data in the source representation to the data in the destination representation based on a destination

profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user (Veilleux: Paragraph 51, lines 1-19; Paragraph 63, lines 1-10; Paragraph 64, lines 1-11; Paragraph 136, lines 1-13 "the transfer of color correction information from color profile server 20 to a color image server 18 happens automatically, without requiring the user associated with a source or destination client 16 to click on a link to effect the transfer").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba and Takashi with the teachings of Veilleux to convert data in source representation to destination representation based on a destination profile automatically for color image display accuracy in a network having multiple clients that submit images and multiple clients that receive images (Veilleux: Paragraph 7, lines 4-6).

For the above reasons, Examiner believed that rejection of the last Office action was proper.

"Takashi is directed to a significantly different invention than Chiba, which is so different that these two references teach away from being combined, as suggested", "the Office Action never explains what this has to do with Chiba's system", "or why one of ordinary skill in the art would be properly motivated to turn to such a system that is limited to automatically converting image data stored in a camera memory to a best format, to modify Chiba". "Appellants

respectfully submit that one of ordinary skill in the art would not be motivated to substitute Takashi's best format determination and automatic conversion to a best format feature in Chiba because the so-modified version of Chiba would always convert to a single format with no way of knowing whether that format would be desired by Chiba's users", "Thus, even if one of ordinary skill in the art were properly motivated to combine the three applied references, as suggested (which they would not be properly motivated to do for reasons presented above), the so-modified version of Chiba would ,clearly not result in, suggest, or otherwise render obvious, the claimed invention"

Examiner respectfully disagrees all of the allegations as argued. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Chiba teaches in Column 1 lines 17-33, Column 2 lines 35-60, Column 5 lines 35-42, Column 6 lines 15-33, Column 9 lines 28-34, and Figure 10 converting an acquired data in a source representation by an image reading device and storing the acquired data in an intermediate representation and converting the acquired data to a destination representation according to conversion specification specified by the user and by a data converting unit.

However, Chiba does not explicitly disclose assessing quantitative physical storage constraints associated with storing the managed data and assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation.

The Takashi reference discloses determining storage constraints and conversion constraints associated with a data and converting the data based on the determination (Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8; Here

the determination is on a dynamic trade-off basis between the two constraints, and is based on a rule base such as the file attribute determination unit in Paragraph 20).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Takashi to assess quantitative physical storage constraints associated with storing the managed data and assess quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation for automatically converting image data to be transferred into an optimum file format (Takashi: Abstract, lines 1-3).

Chiba in view of Takashi discloses executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment of storage constraints and said second assessment of conversion constraints, while further considering one or more applicable source profiles and one or more applicable destination profiles (Chiba: Column 2, lines 40-53 "converting based on the conversion form received from the operation instruction unit"; Column 6, lines 15-33; Column 9, lines 28-64; Claims 3-4; Figure 10; Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

However, Chiba and Takashi do not explicitly disclose wherein the selectively converting step selectively converts the data in the source representation to the data in the destination representation based on an Idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and

without receiving a specification of a conversion form of the data in the destination representation from a user.

The Veilleux reference, however, discloses converting data in the source representation to the data in the destination representation based on a destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user (Veilleux: Paragraph 51, lines 1-19; Paragraph 63, lines 1-10; Paragraph 64, lines 1-11; Paragraph 136, lines 1-13 "the transfer of color correction information from color profile server 20 to a color image server 18 happens automatically, without requiring the user associated with a source or destination client 16 to click on a link to effect the transfer").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba and Takashi with the teachings of Veilleux to convert data in source representation to destination representation based on a destination profile automatically for color image display accuracy in a network having multiple clients that submit images and multiple clients that receive images (Veilleux: Paragraph 7, lines 4-6).

Appellants respectfully submit that none of the applied references disclose or suggest the claimed invention, including using an optimum procedure for printing scanned images on a variety of output devices, and using a single button

activation of a representation retrieved from the database.

Examiner responds that the argued features are taught by the prior art. Chiba in view of Takashi discloses executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment (Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8; Here the determination is on a dynamic trade-off basis between the two constraints, and is based on a rule base such as the file attribute determination unit in Paragraph 20), using an optimum procedure for printing scanned images on a variety of output devices (Chiba: Column 8 lines 28-39 "the data converting unit 18 shown in Fig. 6 converts image data into text data...this is a configuration optimum for an information processing device that performs a text-base process"; Column 9, lines 45-47; "even an image reading device which does not comprise a display unit and memory, such as an image scanner can be user"; Takashi: Abstract, lines 1-3 "an image processor capable of automatically converting image data to be transferred into an optimum file format"), and using a single button activation (Chiba: Column 6 lines 47-54; "the user enters a read command, for example via the keyboard of the information processing device 101", here the command is interpreted as single button activation) of a representation retrieved from the database (Chiba: Column 6, lines 15-33 and 47-54; Column 11, lines 14-24; "when the user enters a read command...the central processing unit 105 accesses the image data storing unit 103...and reads the stored image data", "storage means (database, etc.)")

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Rezwanul Mahmood/

Examiner, Art Unit 2164

Conferees:

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

Charles Rones

Apu Mofiz

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161